

**SIKKIM**  
  
**GOVERNMENT** **GAZETTE**  
**EXTRAORDINARY**  
**PUBLISHED BY AUTHORITY**

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**Gangtok**

**Thursday 22<sup>nd</sup> March, 2018**

**No. 122**

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK

No. 05/LD/18

Date: 22.03.2018

**NOTIFICATION**

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 14<sup>th</sup> day of March, 2018 is hereby published for general information:-

**THE SIKKIM NATIONAL LAW UNIVERSITY ACT, 2018**

**(ACT NO. 05 OF 2018)**

**AN**

**ACT**

to provide for establishment of the Sikkim National Law University and to encourage the establishment of a national level institution of excellence in the field of legal education and research in the State for matters connected therewith and incidental thereto.

*BE* it enacted by the Legislative Assembly of Sikkim in the Sixty-ninth Year of the Republic of India as follows:

**CHAPTER-I**

**PRELIMINARY**

**Short title and commencement**

1. (1) This Act may be called the Sikkim National Law University Act, 2018.
- (2) It shall be deemed to have come into force on 1<sup>st</sup> day of July, 2019.

**Definitions**

2. In this Act, unless the context otherwise requires,—
  - (a) "Academic Council" means the Academic Council of the University;

- (b) "Bar Council" means the Bar Council of Sikkim constituted under the Advocates Act, 1961 (25 of 1961);
- (c) "Bar Council of India" means the Bar Council of India constituted under the Advocates Act, 1961 (25 of 1961);
- (d) "Chancellor" means the Chancellor of the University;
- (e) "Chief Justice" means the Chief Justice of the High Court of Sikkim and includes the Judge performing the duties of the Chief Justice of the High Court of Sikkim in absence of the Chief Justice;
- (f) "Executive Council" means the Executive Council of the University;
- (g) "Finance Committee" means the Finance Committee of the University;
- (h) "Governing Council" means the Governing Council of the University;
- (i) "Government" means the Government of Sikkim;
- (j) "prescribed" means prescribed by regulations or statutes made under this Act;
- (k) "Registrar" means the Registrar of the University;
- (l) "regulating body" means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as the University Grants Commission, Bar Council of India, and includes the Government;
- (m) "statutes and regulations" means the "statutes" and "regulations" respectively of the University made under this Act;
- (n) "student" means a person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction instituted by the University, including a research degree;
- (o) "teacher" means a Professor, Associate Professor or Assistant Professor or any other person required to impart education or to guide research or to render guidance in any form to the student for pursuing a course of study of the University;
- (p) "University" means the Sikkim National Law University, Gangtok established under section 3 of this Act; and
- (q) "Vice-Chancellor" means the Vice-chancellor of the University.

## CHAPTER-II

### THE UNIVERSITY

#### Establishment of the University

3. (1) There shall be established, in the State of Sikkim, a University by the name of the Sikkim National Law University, Gangtok.
- (2) The University shall be a body corporate by the name of "Sikkim National Law University, Gangtok" having perpetual succession and a common seal, and may sue or be sued by the said name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and to do all things necessary for the purposes of this Act.
- (3) The seat of the Sikkim National Law University shall be at Gangtok (East Sikkim).

#### Objects of the University

4. The objects of the University shall be,—
  - (a) to evolve and impart comprehensive legal education including distant and continuing legal education at all levels to achieve excellence;
  - (b) to organize advanced studies and promote research in all branches of law;
  - (c) to disseminate legal knowledge and legal processes and their role in national development by organizing lectures, seminars, symposia, workshops and conferences;
  - (d) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;
  - (e) to improve the ability to analyze and present for the benefit of the public contemporary issues of public concern and their legal implications;
  - (f) to liaise with institutions of higher learning and research in India and abroad;
  - (g) to publish periodicals, treatises, study books, reports, journals, magazines and other literature on all subjects relating to law;
  - (h) to hold examinations and confer degrees, titles, diplomas, certificates and other academic distinctions;
  - (i) to promote legal awareness in the community for achieving social and economic justice;
  - (j) to undertake study and training projects relating to law, legislation and judicial institutions; and
  - (k) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the University.

5. The powers and functions of the University shall be,—

- (a) to administer and manage the University and such centers for study, research, education and instructions as are necessary in furtherance of the objects of the University;
- (b) to provide for instructions in all branches of knowledge or learning pertaining to law and allied subjects as the University may deem fit;
- (c) to make provisions for research and for the advancement and dissemination of knowledge of law including through distance learning continuing education programmes;
- (d) to institute degrees, titles, diplomas, certificates and other distinctions;
- (e) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such degrees, titles, diplomas, certificates and other academic distinctions subject to such conditions as the University may determine;
- (f) to fix demand and receive fees and other charges as may be prescribed after due intimation to the Government;
- (g) to institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;
- (h) to establish special centers, specialized study centers or other units for research and instructions as are, in the opinion of the University, necessary in furtherance of its objects;
- (i) to supervise and control the residence and to regulate the discipline of the students and staff of the University and to make arrangements for promoting their health and general welfare;
- (j) to make such arrangements in respect of residence, discipline and teaching of students;
- (k) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (l) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;
- (m) to institute professorships, associate professorships, assistant professorships, readerships, lectureships and any other teaching, academic or research posts required by the University;
- (n) to appoint persons as Professors, Associate Professors, Assistant Professors, teaching assistants and visiting faculty

or otherwise as teachers and researchers of the University and other classes of employees;

- (o) to institute and award fellowships, scholarships, prizes and medals;
- (p) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (q) to sponsor and undertake research in all aspects of law, justice and social development;
- (r) to co-operate with any other organizations in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed on such terms and conditions as the University may from time to time determine;
- (s) to co-operate with institutions of higher learning in any part of the world having objects wholly or otherwise similar to those of the University by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (t) to regulate the expenditure and to manage accounts of the University;
- (u) to establish and maintain within the premises of the University such schools, colleges and study halls as the University may consider necessary and adequately furnish the same;
- (v) to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;
- (w) to receive grants, subventions, subscriptions; donations and gifts for the purpose of the University consistent with the objects for which University is established;
- (x) to purchase, take on lease, or accept as gifts, or otherwise, any land or building or works, which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may thinks fit and proper and to construct or alter and maintain any such building or works;
- (y) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms and conditions as it may thinks fit and proper without prejudice to the interests and activities of the University with the prior concurrence of the Government;
- (z) to draw and accept, to make and endorse, to discount and negotiate with the Government of India and other promissory notes, acts of exchanges, cheques or other negotiable instruments;
- (za) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses and agreements in respect of

property, movable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University with the concurrence of the Government;

- (zb) to appoint, in order to execute an instrument or transact any business of the University, any person as it may deem fit.
- (zc) to give up and cease from carrying on any classes or departments of the University:

Provided that the Government shall be informed before any such cessation and no such class or department shall be closed without ensuring that all the admitted students have completed their study in the class or department proposed to be closed or without making an alternative arrangement for the continuation of their study;

- (zd) to enter into agreement with the Central Government, Government, University Grants Commission or other authorities for receiving grants;
- (ze) to accept grant of money, security or property of any kind or description on such terms and conditions as may deem expedient;
- (zf) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may thinks fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made:

Provided that where the mortgage is to be created on the land transferred to the University by the Government, concurrence of the Government shall be taken before creation of such mortgage;

- (zg) to invest the funds of the University or moneys entrusted to the University in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments;
- (zh) to make such statutes, regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and the management of the University and its properties and to alter, modify and rescind them;
- (zi) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed, pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may thinks fit for the benefit of the staff of the University and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of the University;

- (zj) to confer honorary degrees and other distinctions in the manner laid down in the regulations;
- (zk) to delegate all or any of its powers to the Vice-Chancellor or any committee or to any one or more members of its body or its officers in accordance with the Act or the regulations framed there under; and
- (zl) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them.

**Teaching in the University**

- 6. (1) All teaching in connection with the degrees, titles, diplomas and certificates of the University shall be conducted in accordance with the syllabi prescribed by the regulations.
- (2) The courses and curricula and the authorities responsible for organizing the teaching of such courses and curricula shall be as prescribed by the regulations.

**Visitor of the University**

- 7. (1) The Chief Justice of India or his nominee, who may be a senior Judge of the Supreme Court, shall be the Visitor of the University.
- (2) The Visitor or his nominee, when present, shall preside over the convocations of the University and the meetings of the Governing Council.

**Chancellor of the University**

- 8. (1) The Chief Justice shall be the Chancellor of the University.
- (2) The Chancellor shall preside over the convocations and the meetings of the Governing Council in absence of the Visitor.
- (3) The Chancellor may cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipments and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.
- (4) The Chancellor may offer such advice to the University as he may deem fit with reference to the result of such inspection or inquiry.
- (5) The University shall communicate to the Chancellor the action taken or proposed to be taken on such advice.
- (6) In case of differences among the authorities or officers of the University on any matter which cannot be otherwise resolved, the decision of the Chancellor shall be final.
- (7) The Chancellor may invite a person or persons of eminence in law and legal educationist to advise the University in relation to affairs of the University as and when he deems it necessary.

Vice-Chancellor of  
the University

9. (1) There shall be a Vice-Chancellor of the University who shall be appointed in the manner as provided under section 31.
- (2) The term of the Vice-Chancellor shall be for a period of five years or till he attains the age of sixty-five years, whichever is earlier.

### CHAPTER-III

#### AUTHORITIES OF THE UNIVERSITY

Authorities of the  
University

10. The following shall be the authorities of the University:—
  - (a) the Governing Council;
  - (b) the Executive Council;
  - (c) the Academic Council;
  - (d) the Finance Committee; and
  - (e) such other authorities as may be declared by the University by regulation to be the authorities of the University.

The Governing  
Council and its  
constitution

11. The Governing Council shall be the supreme authority of the University and shall have the following constitution:—
  - (a) the Vice-Chancellor;
  - (b) the Minister for Finance, State of Sikkim;
  - (c) the Minister In charge of Department of Human Resource Development State of Sikkim;
  - (d) the Minister In charge of Department of Law, State of Sikkim;
  - (e) one Judge of the High Court of Sikkim nominated by the Chancellor;
  - (f) Secretary In charge of Human Resource Development Department;
  - (g) the Advocate General, State of Sikkim;
  - (h) the Chairperson of the University Grants Commission or his nominee from among the members of the University Grants Commission;
  - (i) the Chairman, Bar Council of India or his nominee;
  - (j) the Chairman, Bar Council of Sikkim;
  - (k) Chairman, Sikkim State Law Commission;
  - (l) two members of the Executive Council as are not otherwise members of the Governing Council;
  - (m) an eminent scholar in the field of Humanities, Social Sciences or Law, nominated by the Chancellor;

- (n) two distinguished persons, to be nominated by the Chancellor; and
- (o) two Vice-Chancellors of other Universities established by law in the State of Sikkim, by rotation, to be nominated by the Chancellor:

Provided that an employee of the University shall not be eligible for nomination under the foregoing clauses:

Provided further, that if Minister-in-charge of the Departments of Finance, Human Resource Development ; or Law is the Chief Minister of the State, any Minister (s) nominated by him shall be the member (s).

- (p) The Chancellor shall be the Chairman of the Governing Council.

**Term of office of members of the Governing Council**

- 12. (1) The term of office of members of the Governing Council shall be five years.-
- (2) When a person becomes member of the Governing Council by virtue of his office, he shall cease to be such member if he ceases to hold that office.
- (3) When a person is nominated as a member of the Governing Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case maybe.
- (4) A member of the Governing Council shall cease to be a member, if he,—
  - (a) tenders his resignation and such resignation is accepted; or
  - (b) becomes of unsound mind and stands so declared by a competent court; or becomes undischarged insolvent; or has been convicted of an offence involving moral turpitude; or
  - (c) has accepted a full time appointment to the post in the University other than the post of Vice-Chancellor.
- (5) A member of the Governing Council may, by writing, addressed to the Chancellor, resign from his office and such resignation shall take effect on the date it is accepted by the Chancellor.
- (6) Any vacancy in the Governing Council shall be filled in by nomination of a person by the relevant nominating authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

**Powers of the Governing Council**

- 13. The Governing Council shall have the following Powers, namely:—
  - (a) to formulate and review the broad policies and programmes of the University and suggest measures for the development of the University and devise measures for the improvement and development of the University;

- (b) to direct the Executive Council to take such steps as are necessary for achieving the objects of the University;
- (c) to consider and pass resolution on the annual report, financial estimates and audit reports on the accounts of the University;
- (d) to make recommendations to the Chancellor for the appointment of Vice-Chancellor out of the panel recommended by the Selection Committee; and
- (e) to make statutes concerning the administration of the affairs of the University including prescribing the procedure to be followed by the authorities and the office bearers of the University in the discharge of the functions.

**Meetings of the Governing Council**

14. (1) The Governing Council shall meet at least once in a year. The annual meeting of the Governing Council shall be held on a date fixed by the Executive Council unless some other date has been fixed by the Governing Council in respect of a year.

(2) The Visitor, if present, and in his absence Chancellor shall preside over the meeting of the Governing Council and in the absence of the Chancellor, the Vice-Chancellor shall preside over the meeting.

(3) The Vice-Chancellor shall cause to be laid before the meeting of the Governing Council, a report of the working of the previous year of the University, the annual statement of accounts together with the report of auditors thereon and the budget estimates and the income and expenditure for the next financial year.

(4) The meeting of the Governing Council may be called by the Chancellor, either of his own or at the request of not less than ten members of the Governing Council.

(5) For every meeting of the Governing Council fifteen days notice shall be given.

(6) One-half of the members on the rolls of the Governing Council shall form the quorum.

(7) Each member shall have one vote and if there be equal votes on any question, then presiding person shall have the casting vote.

(8) In case of difference of opinion among members, the opinion of the majority shall prevail.

(9) If any urgent action is required, the Chancellor may, with the approval of the majority of the members of the Governing Council, permit the business to be transacted by circulation among the members of the Governing Council. The action so proposed shall not be taken unless agreed by the majority of members of the Governing Council. The action so taken shall forthwith be intimated to all members of the Governing Council.

In case authority concerned fails to take decision the matter shall be referred to the Chancellor whose decision shall be final.

(10) The report of the action so taken shall be placed before the next meeting of the Governing Council.

**Executive Council** 15. (1) The Executive Council shall be the chief executive body of the University.

(2) The powers of administration and management of the fund and property of the University shall vest in the Executive Council.

**Constitution of the Executive Council** 16. The Executive Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor of the University;
- (b) a member of the Governing Council, nominated by the Chancellor;
- (c) the Chief Secretary to the Government or an officer not below the rank of the Secretary to the Government, to be nominated by him;
- (d) Secretary Department of Finance to the Government;
- (e) Secretary In charge of Human Resource Development (Higher Education) to the Government;
- (f) Secretary In charge of Department of Law to the Government;
- (g) Secretary In charge of Department of Home to the Government;
- (h) three Professors of Law outside the University, to be nominated by the Chancellor;
- (i) Chairman, Bar Council of Sikkim or his nominee;
- (j) a member of the Governing Council, who is an educationist, to be nominated by the Chancellor; and
- (k) two teachers of whom one shall be Professor and one shall be Associate Professor of the University, to be nominated by the Vice-Chancellor, by rotation.

**Term of office of the members of the Executive Council** 17. (1) The term of office of members of the Executive Council shall be three years.

(2) When a person becomes a member of the Executive Council by reason of office or appointment he holds, his membership shall stand terminated when he ceases to hold such office or appointment.

(3) When a person is nominated as a member of the Executive Council, he shall cease to be such member if his nomination of such membership is withdrawn by the nominating body or person, as the case maybe.

**Powers and  
functions of the  
Executive Council**

- (4) A member of the Executive Council shall cease to be a member if he,—
  - (i) tenders his resignation and such resignation is accepted; or
  - (ii) becomes of unsound mind and stands so declared by a competent Court; or
  - (iii) becomes undischarged insolvent; or
  - (iv) as been convicted of an offence involving moral turpitude; or (other than the Vice-Chancellor or member of the Faculty) has accepted a full time appointment in the University.
- (5) A member of the Executive Council may, by writing addressed to the Chancellor, resign from his office, and such resignation shall take effect on the date it is accepted by the Chancellor.
- (6) Any vacancy in the Executive Council shall be filled in by nomination of a person by the relevant authority entitled to make the same and the person so nominated shall hold office so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

18. (1) The Executive Council shall be the chief executive authority of the University and, as such, shall have all powers necessary to administer the University subject to the provisions of this Act and the statutes made there under; and may make regulations for that purpose and also with respect to matters provided under sub-section (2).

(2) The Executive Council shall have the following powers and functions, namely:—

- (a) to recommend the names of three persons to the Chancellor for appointment as Registrar of the University on the recommendations of the selection committee constituted for that purpose by it and headed by the Vice-Chancellor;
- (b) to prepare and present to the Governing Council at its annual meeting—
  - (i) a report on the working of the University;
  - (ii) a statement of accounts;
  - (iii) budget proposals for the ensuing academic year after its due approval from the Finance Committee;
- (c) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the University and for that purpose, constitute committees and delegate the powers to such committees or such officers of the University as it may deem fit;

(d) to invest any money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(e) to transfer or accept transfer of any movable or immovable property on behalf of the University:

Provided that the concurrence of the Government shall be taken before such transfer or acceptance of any immovable property on behalf of University;

(f) to enter into, vary, carry out and cancel contracts on behalf of the University and for that purpose to appoint such officers as it may think fit;

(g) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(h) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, teachers, students and employees of the University;

(i) to create teaching, administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify the minimum qualifications for appointment to such posts on such terms and conditions of service as may be prescribed by the regulations made in this behalf;

(j) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council:

Provided that the Government shall be apprised of the fee structure fixed by the University;

(k) to select a common seal for the University; and

(l) to exercise such other powers and to perform such other duties as may be considered necessary, or imposed on it by or under this Act.

**Meetings of the Executive Council**

19. (1) The Executive Council shall meet at least once in four months and not less than 15 days notice shall be given of such meeting.

(2) The notice regarding meeting of the Executive Council shall be issued by the Registrar under the instructions of the Vice-Chancellor or on the request of the Executive Council.

(3) The Vice-Chancellor or in his absence, any member of the Executive Council, nominated by the Vice-Chancellor, shall preside over the meeting of the Executive Council.

- (4) One-half of the members of the Executive Council shall form the quorum at any meeting.
- (5) In case of difference of opinion among the members, the opinion of the majority shall prevail.
- (6) Each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the Chairman, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.
- (7) If urgent action by the Executive Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action so proposed shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall forthwith be intimated to all the members of the Executive Council. In case the authority concerned fails to take decision, the matter shall be referred to the Chancellor whose decision shall be final.

**Academic Council** 20. The Academic Council shall be the academic body of the University. It shall have powers, subject to the provisions of this Act and the regulations, to control, regulate and maintain the standards of instructions, education and examination of the University and advise the Executive Council on academic matters. It shall exercise such other powers, and shall perform such other duties, as may be conferred or imposed upon it by this Act or the regulations.

**Constituents of the Academic Council** 21. (1) The Academic Council shall consist of the following members, namely:—

- (a) the Vice-Chancellor who shall be the Chairman;
- (b) a member of the Bar Council of India, to be nominated by the Chairman of the Bar Council of India;
- (c) a member of the Bar Council of Sikkim, to be nominated by the Chairman of the Bar Council of Sikkim;
- (d) one Dean of law faculty of any other University established by Law in the State of Sikkim, by rotation, to be nominated by the Government;
- (e) all heads of departments;
- (f) two members of the teaching staff one each representing the Associate and Assistant Professors of the University, nominated by the Vice-Chancellor, for a period of one year on rotation;

Provided that an employee of the University shall not be eligible for nomination under above category; and